31 parking spaces instead of the required 65 parking spaces of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The subject retail and restaurant businesses have been operated under non-conforming parking provisions and, in light of the size and configuration of the property, no additional parking can be added. Nearby off-street and on-street parking is available. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baitimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that 1, we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): (Type or Print Name) State State Attorney for Petitioner: Baltimore, Maryland 21207 West Chesapeake Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Attorney's Telephone No.: 828-1050 ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of ___August ____, 19_84_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ______19th day of ___September , 19 84 , at 10:30 o'clock

The second of the proof of the territory of the territory

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 409.2.163) and (6) of the Baltimore country Zoning Regulations to allow

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

PETITION FOR ZONING VARIANCE 85-79-A

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS TOWSON, MARYLAND 21204 HARRY J. PISTEL, P. E.

__A__M.

July 13, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #355 (1933-1984) Property Owner: Charles E. Vogler, et al S/ES Gwynn Oak Ave. 418' N/E from centerline Windsor Mill Rd. Acres: 0.47 District: 2nd

Dear Mr. Jablon:

DIRECTOR

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject

Baltimore County highway and utility improvements exist and are not directly involved.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 355 (1983-1984).

Bureau of Public Services

GSB:EAM:FWR:ss

L-SE Key Sheet 16 NW 21 Pos. Sheet NW 3 F Topo 88 Tax Map

RE: PETITION FOR VARIANCE SE/S Gwynn Oak Ave., 418' NE of Windsor Mill Rd., 2nd District

OF BALTIMORE COUNTY

CHARLES E. VOGLER, et al, Petitioners

> :::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter a lof the passage of any preliminary or final Order.

> Phyllis tole Fredman Phyllis Cole Friedman People's Counsel for Baltimore County Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House

The man the state of the state

: BEFORE THE ZONING COMMISSIONER

I HEREBY CERTIFY that on this 29th day of August, 1984, a copy of the foregoing Entry of Appearance was mailed to R. Bruce Alderman, Esquire, 305 W. Chesapeake Ave., Towson, MD 21204, Attorney for Petitioners.

494-2188

Peter Max Zimmerman

Towson, MD 21204

Maryland Department of Transportation

Lowell K. Bridwell

Hal Kassoff

July 2, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 6-26-94 ITEM: #355. Property Owner: Charles E. Vogler, et al Location: SE/S Gwynn Oak Avenue, Route 126, 418' N/E from c/l Windsor Mill Road Existing Zoning: B.L. Proposed Zoning: Variance to permit 29 parking spaces in lieu of the required 59 spaces. Acres: 0.47

District 2nd

Dear Mr. Jablon:

On review of the submittal of 5-23-84 and field inspection, the State Highway Administration will require the plan to be revised.

The revised plan must show all access to the site be by way of two (2), 25' radius return entrances with 10' radii.

All existing curb, gutter and sidewalk along the frontage of the site in a deteriorated condition must be improved or repaired.

All work within the State Highway Administration right of way must be through S.H.A. permit with the posting of a bond or letter of credit in the amount of \$5,000.00 to guarantee construction.

> My telephone number is (301) 659-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Tol! Free P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY

ZONING PLANS



PETITION AND SITE PLAN

EVALUATION COMMENTS

-2-

It is requested the plan be revised prior to a hearing

Mr. A. Jablon

date being set.

CL:GW:maw

Attachment

cc: Mr. J. Ogle

July 2, 1984

Very truly yours,

Charle Ter

Access Permits

Charles Lee, Chief

Bureau of Engineering

By: George Wittman

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 14, 1984

Variance Petition

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

305 West Chesapeake Avenue Towson, Maryland 21204

. Bruce Alderman

RE: Case No. 85-79-A (Item No. 355) Petitioner - Charles E. Vogler, et al

Nicholas B. Commodari

Chairman Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans Bureau of submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action Department of requested, but to assure that all parties are made aware of plans or Traffic Engineering problems with regard to the development plans that may have a bearing State Roads Commission on this case. The Director of Planning may file a written report with Fire Prevention the requested zoning. Health Department

Project Planning Building Departmen

Board of Education Zoning Administration Industrial

the Zoning Commissioner with recommendations as to the suitability of Because your clients' proposal to construct an addition to the existing restaurant/liquor store, this variance for parking is required.

In view of the fact that revised site plans, reflecting the enclosed comments were submitted, this petition was scheduled for a hearing.

For information on the comments from the Department of Permits and Locenses, you may contact Mr. Ted Burnham at 494-3987.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Michelio B. Commidien/113

NICHOLAS B. COMMODARI Zoning Advisory Committee

NBC:mcb Enclosures

> c: Gerhold, Cross & Etzel 412 Delaware Avenue Towson, Maryland 21204

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON MARYLAND 21204
494-3211 NORMAN E. GERBER DRECTOR

> Mr. Arnold Jablon Zoning Commissioner County Office Building

7-13-84

Re: Zoning Advisory Meeting of 6-26 54 Property Owner: Charles E. Vogler, etuy Location: SEIS Guynn Oak Mue. ME & Wilder mill R.

Towson, Maryland 21204

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

()There are no site planning factors requiring comment.
()A County Review Group Meeting is required.)A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

)This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract.)A record plat will be required and must be recorded prior to issuance of a building penuit.)The access is not satisfactory.)The circulation on this site is not satisfactory.)The parking arrangement is not satisfactory.

)Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited.)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Levelopment

)Development of this site may constitute a potential conflict with the Baltimore County Master Plan.)The amended Development Plan was approved by the Planning Board

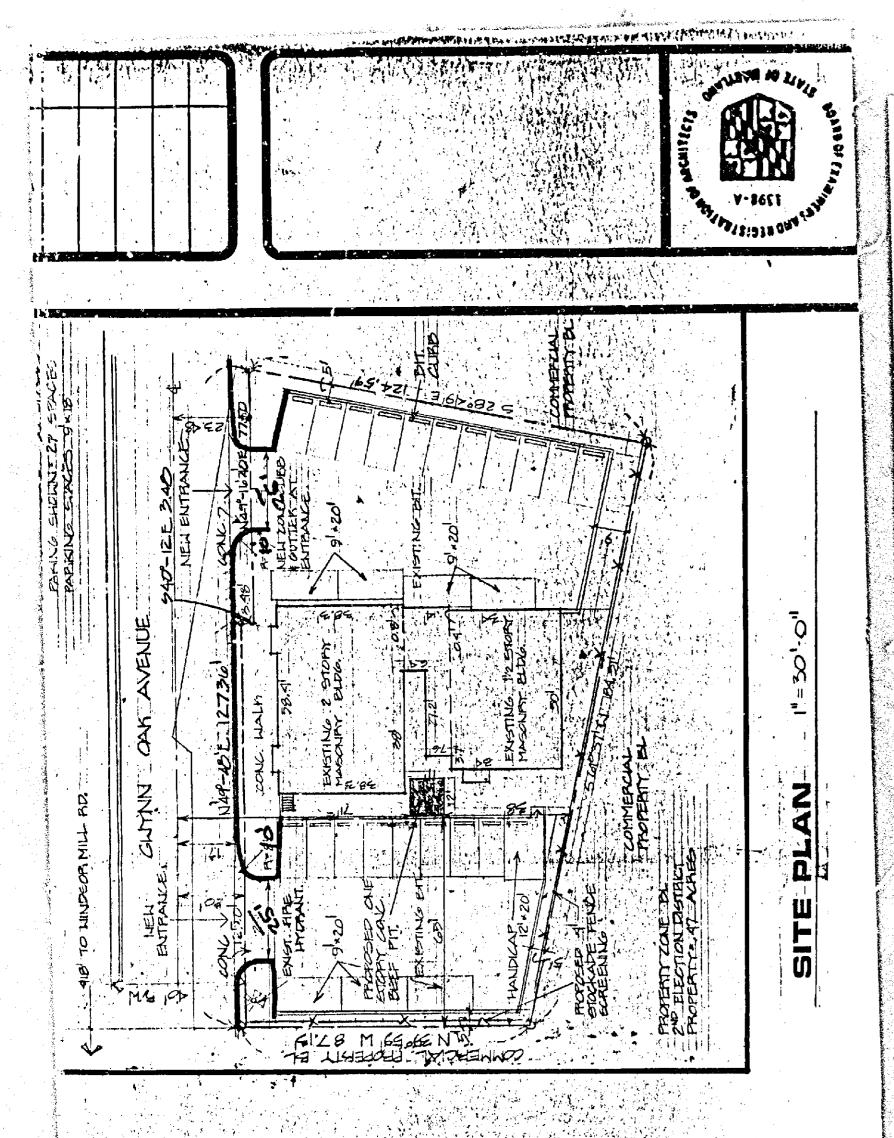
(X)Landscaping should be provided on this site and shown on the plan. (×)The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service

)The property/is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas

are re-evaluated annually by the County Council.

additional patrol parking is available Recommend lease agreements for garking of possible. Place ment show adjuined wow. Recommend growsian of driseway connection between guiting lots Eugene A. Bober
Chief, Current Planning and Development

CEC 4 yes



Buildings constructed on the warms lot shall be seperated from each other by distance or a fire rated wall as indicated in table 401 (EXTERIOR WALLS) Su also Section 1311.000 paraputs, du also section 1414 on opening protes.
2 IF STRUCTURES are connected a fine superature

min mum of whom is required. used but instead gas grille with LAVA ROCK providing a gas flow white valve along with an ansul reptime.

3. Ventilation in either case shall be sufficient the satisfy both the oxigen medo of the fine and the occupant. See Section M-1905.0 B.O.CA Mechanical Code & Talife M-1001.1 for required C.f.M. per recupent.
Exitavel wents small comply with as required in m- 1000,6 thm m 1000-10

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING DEPARTMENT OF TRAIL TOWSON, MARYLAND 21204 494-3550

The state of the s

July 23, 1984

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 355 Existing Zoning: B.L.

-ZAC- Meeting of June 26, 1984 Charles E. Vogler, et al SE/S Gwynn Oak Avenue 413' N/E from c/1 Windsor Mill Road Proposed Zoning: Variance to permit 29 parking spaces in lieu of the

required 59 spaces.

Acres: · District:

Dear Mr. Jablon:

I have reviewed the site plan for item number 355, the Charles E. Vogler property located on the SE/S of Gwynn Oak Avenue 418' N/E of Windsor Mill Road and have the following comments.

1. The parallel parking spaces should be 23 feet long.

2. If the parallel parking spaces on the southwest side of the site were to be changed to perpendicular spaces more space can be provided. 3. The zoning request is for 29 parking spaces, but this site plan shows only 27 spaces.

4. The parking variance may cause parking problems in the area.

Traffic Engineering Assoc. II

Contraction of the Contraction o

MSF/ccm

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, A: ARYLAND 21204-2586 494-4500

July 3, 1984

The substitute of the substitu

and a should be a compared to the same and the short of the same and t

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Attention: Nick Commodari, Chairman Zonir: Plans Advisory Committee

RE: Property Owner: Charles E. Vogler, et al

Location: SE/S Gwynn Oak Avenue 418' N/E from c/l Windsor Mill Road Zoning Agenda: Meeting of 6/26/84 Item No.: 355

PAUL H. REINCKE

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time. Noted and Klorge M Weiganich

REVIEWER CHAIN For Approved:

Planning Group

Noted and.

Approved:

Fir Fire Prevention Bureau Special Inspection Division

CARL L. GERHOLD PHILIP K. CROBS

JOHN F. ETTEL WILLIAM G. ULRICH

GORDON T. LANGDON

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Zoning Commissioner

September 5, 1984

Norman E. Gerber, Director FROM Office of Planning and Zoning Charles E. Vogler, et al SUBJECT_No. 85-79-A

> This office is particularly concerned with the parking problems identified by the Division of Current Planning and Development's comments to the Zoning Plans Advisory Committee. Until these problems are satisfactorily resolved, this office cannot offer a favorable comment.

NEG/JGH/sf

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823.4470

June 8, 1984

EMERITUS
PAUL G. DOLLENSERG
FRED M. DOLLENSERG

Zoning Description

All that piece or parcel of land situate, lying and being in the Second Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the southeast side of Gwynn Oak Avenue at the distance of 418 feet northeasterly from the east side of Windsor Mill Road and running thence and binding on the southeast side of Gwynn Oak Avenue, the three following courses and distances viz: North 49 degrees 48 minutes East 127.36 feet, South 40 degrees 12 minutes East 3.48 feet and North 49 degrees 16 minutes 40 seconds East 77.50 feet, thence leaving said Avenue and binding on the outlines of the land of the petitioners herein, and binding on the outlines of the land of the petitioners herein, the three following courses and distances viz: South 28 degrees 49 minutes East 124.59 feet, South 61 degrees 37 minutes West 184.51 feet and North 39 degrees 59 minutes West 87.13 feet to the place of beginning.

Containing 0.47 of an Acre of land more or less.



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES TOWSON MARYLAND 21204

Office of Planning and Zoning County Office Building Towson, Karyland

Commute on Item / ITE Zoning Advisory Committee Heeting

Charles E. Vogler, et al SES Gwynn Oak Ave

Variance to permit 29 parking spaces in lieu of 59 spaces

A. All structure shall conform to the Baltimore Courty Building Gods 1981/

(B.) A building/and other miscellameous permits shall be required before beginning

Residential: Three sets of construction drawings are required to file a parmit application. Architect/Engineer seal is/is not required. D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

3. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot lines. A firewall is required if construction is on the lot line, See Table 401, line 2, Section 1107 and Table 1102.

F. Requested variance conflicts with the Baltimore County Building Cods,

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Gods requirements for the proposed change. Drawings may require

the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

(I) come du 14ems en 177MCHEN Stuct

BUTS: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122

(Plans Review) at 111 West Chesapeaks Ave., 21204

Charles E. Burnham, Chief

PETITION FOR VARIANCE

2nd Election District

Petition for Variance ZONING:

Southeast side Gwynn Oak Avenue, 418 ft. Northeast LOCATION: of Windsor Mill Road

Wednesday, September 19, 1964 at 10:30 A.M. DATE & TIME:

Room 106, County Office Building, 111 W. Chesapeake PUBLIC HEARING:

Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow 31 parking spaces instead

of the required 65 parking spaces Being the property of Charles E. Vogler, et al, as shown on plat plan

filed with the Zoning Department. In the event that this Petition is granted, a building permit may be

issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

THE WILLIAM TO THE WILLIAM THE WILLIAM TO THE WILLI	BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21234 494-3353
--	---

ARNOLD JABLON ZONING COMMISSIONER

August 31, 1984

k. Bruce Alderman, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204

> Re: Petition for Variance SE/S Gwynn Oak Ave., 418' NE of Windsor Mill Road Charles E. Vogler, et al - Petitioners Case No. 85-79-A

Dear Mr. Alderman:

This is to advise you that \$45.00 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 134346

g Commissioner

DATE 1-19-84 ACCOUNT K-11-615-000

FROM: Busice Alderman, Eng. FOR advertising perting Care 85-79-1

6 035eeeee45puta 819th

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION ZONING VARIANCE SE/S of Gwynn Oak Avenue, 418' NE of Windsor Mill Road - 2nd *

Election District

Charles E. Vogler, et al, Petitioners

* * * * * * * * * *

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 85-79-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit 31 parking spaces instead of the required 65 spaces, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by their agents, Rick Berman and Nelson Carter, appeared and testified and were represented by Counsel. There were no Protestants.

The Petitioners are the owners of Monaghan's, a bar and restaurant on Gwynn Oak Avenue in Woodlawn that has been in business continuously and without interruption since 1902. The existing building contains two stories, the first floor of which is utilized as the bar and restaurant and the second floor is for storage and office use by the Petitioners. They purchased the property, zoned B.L., about two years ago from the family of the original owners and now want to resume the sale of barbecue pit beef that had been sold at one time by the former owner. In order to do so, the Petitioners propose to add an 11' x 12' structure into the main building to house the barbecue operation. The proposed addition will be to the rear of the southwestern corner of the building and will face part of the existing parking lot.

he existing bar and restaurant and parking area, consisting of 31 spaces which surround the existing building, are nonconforming. By law, the proposed addition would require two parking spaces, and if the parking for the existing both ding were brought up to current legal standards, 65 parking spaces would be

一种的变形,也是我们的是我们都被我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的,我们就是这个人,

Petition for Variance to allow 31 parking spaces instead of the required 65 parking spaces Being the property of Charles E. Vogler, et al, as shown on plat plan filed with the Zoning at, an anown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building pernit may be issued within the thirty (30) day appeal period. The Zoning Commissioner is nowever, entertain any request for a stay or he issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

ZONING: Petition for Variance
LOCATION: Southeast 3ide Gwyne Oak
Avenus, 318 ft. Northeast of Windsor Mill
Road
BATE & TIME: Wadnesday, September 16, 1984
at 10:30 A.M.
PUBLIC HEARING: Room 108, County Officia
Building, 111 W. Chasapeaka Avenue,
Towson, Maryland

LTIFICATE OF PUBLICATION Fikesville, Md., Aug. 29 19 84 I, that the ennexed advertisment the NORTHWEST STAR. a weekly ed in Pikesville, Baltimore before the _____day of .tion appearing on the

cation appearing on the the third publication appearing on the

The same of the sa

THE NORTHWEST STAR

Cost of Advertisement_ \$20.00

A CONTROL OF THE PROPERTY OF T

required. However, there is no room for expansion of the parking area without demolition of the existing building. If the barbecue structure were not constructed, there would be no issue because the nonconforming status of the existing business and its parking are uncontroverted.

Gwynn Oak Avenue is a quiet street with parking permitted. In addition, the closed Woodlawn Elementary School is across the street and has a parking area open to the public. Significantly, an alley behind the building, which is closed at the end directly parallel to the bar, affords parking spaces for up to 12 cars. Testimony indicated that the existing parking lot is seldom filled to capacity, perhaps one or two days per year, and even then, the parking available on the street and in the alley is more than sufficient to satisfy the overflow. Mr. Carter and Mr. Berman stated that in no way would the new structure create any traffic congestion or add any problem to the existing parking situation. The barbecue pit would be open only on Saturdays and Sundays from 10:00 a.m. to 6:00 p.m., which is not the peak hours for the bar itself. There would be no impact on the traffic or parking situation.

A suggestion made by the Current Planning and Development Division, Office of Planning and Zoning, to enter into a lease agreement for parking was studied and investigated by the Petitioners. They concluded that there are no available

or potential spaces that can be leased.

Rection 104.1, Baltimore County Zoning Regulations (BCZR), permits expansion of a nonconforming building, structure, or use of a building, structure, or parcel of land by 25% of the ground floor area of the buildings so used. The bar and restaurant with its parking area have existed on the present site since 1902 The totality of the use on this parcel is nonconforming and may be extended by 25%. The proposed 11' x 12' structure is certainly not more than the permitted expansion if the bar and restaurant themselves are nonconforming (the

TIME: 10:30 A.M.

DATE: Wednesday, September 19, 1984

Avenue, Towson, Maryland

R. Bruce Alderman, Esquire

305 West Chesapeake Avenue

Towsen, Maryland 21204

August 23, 1,

NOTICE OF HEALING

SE/S Cwynn Oak Ave., 418' NE of

Charles E. Vogler, et al - Petitioners

Re: Petition for Variance

Windsor Mill Road

PLACE: Room 106, County Office Building, 111 West Chesapeake

Case No. 85-79-A

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 130531

VALIDATION OR SIGNATURE OF CASHIER

C 115*****100p0:0 u18uA

total first floor area is 2,315 square feet). It will not expand the parking area, which must be included within the concept of a nonconforming use on this site. Indeed, any physical expansion will have no effect on the existing non-

The Petitioners seek relief from Section 409.2.b.(3) and (6), pursuant to Section 307, BCZR.

A nonconforming use is an exception to generally applicable zoning requirements for a previously lawful, existing use. See, generally, 1 Anderson, American Law of Zoning, 2nd Edition, Section 6.01 to 6.73; 3 Rathkopf, The Law of Zoning and Planning, Section 58-1 to 62-18. The government recognizes a nonconforming use in derogation of the general zoning scheme in order to protect the interests of property owners. 1 Anderson, supra, Section 6.02 to 6.07; 3 Rathkopf, supra, Sections 58-1 to 58-3, 61-1. Nevertheless, the ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as positble with due respect to the legitimate interests of all concerned. A permissible aim of the zoning regulations is to limit and forbid expansion of a nonconforming use and to forfeit the right to it upon abandonment of the use or the destruction of the improvements housing the use. Grant v. Mayor and City Council of Balto., 129 A.2d 363 (1957). Whether a nonconforming use can be changed.

extended, enlarged, altered, repaired, restored, or recommenced after abandonment fordinarily is governed by the provisions of the applicable ordinances and \regulations. Feldstein v. LaNale Zoning Board, 227 A.2d 731 (1967). These regulations and ordinances must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. Mayor of Balto. v. Byrd, 62 A.2d 588

Section 104, BCZR, is clear that a nonconforming use can be extended by 25% of the ground floor area of the buildings used. The parking area is nonconforming inasmuch as it was created prior to the existence of current parking space BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE DLDG. 111 W. Chesapeake Ave. Towson, Milyland 21204

Nicholas B. Commodari Chairman

R. Bruce Alderman, Esquire 305 West Chesapeake Avenue Towson, Maryland 21204

Bureau of Engineering Department of State Roads Commission Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education

RE: Item No. 355 Petitioner - Charles E. Vogler, et al Variance Petition

Dear Mr. Alderman:

NBC:bsc

After reviewing the above referenced petition, I have determined that I must discuss this matter with you before I can schedule the petition for a hearing. Zoning Administration

In view of this, please contact me at 494-3391 as soon

July 25, 1984

Very truly yours, Recholas B Commadali, NICHOLAS B. COMMODARI

Zoning Plans Advisory Committee

cc: Gerhold, Cross & Etzel 412 Delaware Avenue Towson, Maryland 21204 Like

requirements. Since there is no expansion of the parking area and the proposed structure will not extend the building more than 25% of its total floor area, a variance is not necessary. To determine otherwise would require a finding that either the proposed small structure subverts the nonconforming use on the parcel or that there is no such thing as a nonconforming parking lot. Certainly, the only purpose of a barbecue pit is to sell food, and the primary use of the property is as a restaurant. Therefore, the barbecue pit must be considered adjunct to and a part of the primary use. Although the restaurant and bar are permitted in a B.L. Zone by today's standards, the parking lot is still nonconforming. There is no purpose for the parking lot other than to serve the restaurant. They are inseparable when considering the use of the property. The scope of the

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area

variance, the petitioner must meet the following:

use has not changed, and there has been no expansion of more than 25%. If, how-

ever, a variance were required, the requisites of Section 307 have been satis-

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessaril: burdensome; whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variance were granted, such use

proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26 day of September, 1984, that the Petition for Zoning Variance to permit 31 parking spaces instead of the required 65 be and is hereby DISMISSED since a variance is not required herein because a nonconforming use exists and there has been no expansion of more tran 25% thereof.

Baltimore County

AJ/srl

ccw R. Bruce Alderman, Esquire

People's Counsel

ORDER RECEIVED FOR FILING

- 5 -

85-79-4

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 15th day of August, 1984.

ARNOLD JABLON Zoning Commissioner

Received by: / Mus Nicholas B. Commodari Chairman, Zoning Plans Advisory Committee

Petitioner Charles E. Vorler, et al Attorney R. Bruce Alderson

85-79-2

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 30, 1984

THIS IS TO CELTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Paltimore County, Md., appearing on August 30, 19 84

THE JEFFERSONIAN,

Publisher

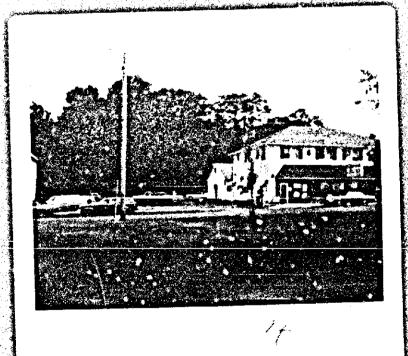
2000

Cost of Advertising

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

85-79-A

-	
District_2nd	Date of Posting Buguet 31-5if
Posted for: Tancone	
Patitioner Charles & Worler.	et al
Location of property: Salas Suyn	n Oak are 415 NE of
Window mill Road	. /
Location of Signs: SF/S of Juny n	n Dop are in front glass le avenue
don of 212/ Luyan Da	le avenue
Remarks:	
_	Sent 7-E1
Posted by Signature	Date of return fight. 7 -5 14
Number of Signs:	•



PETITION FOR VARIANCE and Election District

ZONING: Petition for Variance LOCATION: Southeast side Gwynn Oak Averue, 418 ft. Northeast of Windsor Mill Road DATE & TIME: Wednesday, September 19, 1984 at 10:30 A.M.

PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avinua, Towson, Maryland

The Zoiling Commissioner of Baltimore County, by authority of the Zoning Ant and Regu-tations of Baltimore County, will hold a public hearing:

Petition for Variance to allow 31 parking spaces instead of the required 65 parking

spaces

Being the property of Charles E. Vogier, et al, as shown on plat plan filed with the Zoning Department.

Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the data of the hearing set above or made at the hearing.

By Order Of ARNOLD JABLON, Zoning Commissioner of Baltimore County

